

*Appl. No. 09/836,704*

*Amendment dated November 25, 2003*

*Reply to Final Office Action of June 26, 2003*

### REMARKS

In the specification, structures at page 6, line 26 and page 33, line 32 (indicated by a strikethrough) have been amended to correct the structure of  $R^3$  (corrected structure is underlined).

Claim 1 has been amended to correct an obvious typographical error in the structure of  $R^3$ .

Claims 54-60 are canceled without prejudice.

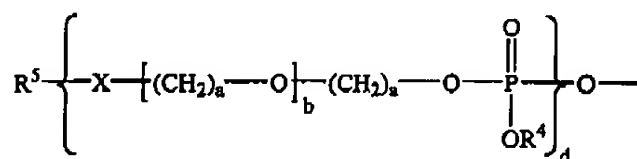
Dependent claims 61-88 are new. Support for new claims 61-88 can be found at, for example, page 40, line 20-31; at page 29, lines 27-32; and at page 43, line 13-22.

No new matter is introduced by these amendments.

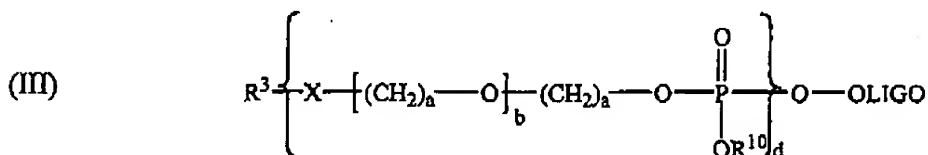
### Rejection Under 35 U.S.C. 112, second paragraph:

Claims 1-28 and 54 were rejected under 35 U.S.C. 112, second paragraph as allegedly being indefinite. The rejection of claims 1-28 has been obviated by the amendment. The rejection of claim 54 is made moot by cancellation.

The Examiner has correctly pointed out an obvious error in the structure of  $R^3$  shown in the specification at page 6, line 26 and page 33, line 32 and in claim 1. Specifically, the structure of  $R^3$  was incorrectly recited as



As the Examiner has correctly pointed out, this structure when taken in conjunction with structure (III), described in the application at, for example, page 6, line 20 creates a structure having an unstable peroxide (O-O) bond. Specifically, in general structure (III)



*Appl. No. 09/836,704**Amendment dated November 25, 2003**Reply to Final Office Action of June 26, 2003*

X can be, for example, oxygen. The selection of X as oxygen in combination with the structure of R<sup>3</sup> necessarily provides a compound having an O-O bond.

The Applicants submit that the structure of R<sup>3</sup> as corrected by the present amendment would be readily apparent to one skilled in the art upon reading the application as a whole.

Specifically, compounds produced according to the teachings in the specification at, for example, pages 42-45 (Compound 16 in Scheme III) and Example IV at pages 74-75 all contain phosphate ester bonds within the linkage chain and not peroxide (O-O) bonds.

Therefore, the Applicants submit that correction of the error is appropriate.

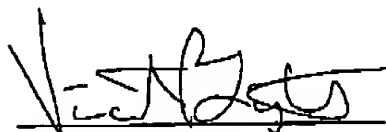
Applicants respectfully request reconsideration in view of the foregoing amendments and remarks.

Applicants submit that the application is in condition for allowance. Early notification of such action is respectfully requested.

**FEE AUTHORIZATION and REQUEST FOR TIME EXTENSION**

A Petition for a 2-Month Extension of Time is enclosed herewith. If any additional time extensions are required for timely receipt of this paper, such time extensions are hereby requested. If any additional fees not submitted with this response are required, please take such fees from Applied Biosystems Deposit Account No. 01-2213 (Order No. 4647).

Respectfully submitted,



Vincent P. Liptak  
Agent for Applicants  
Reg. No. 53,225  
Telephone: 650-638-6895  
Customer No.: 22896

Date: November 25, 2003